IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37436 of 2007(F)

PETITIONERS:
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1. **LIMITED STOP STAGE CARRIAGES OPERATORS ASSOCIATION, MARKZE COMPLEX, KOZHIKODE, REPRESENTED BY ITS PRESIDENT, V.J.SEBASTIAN.**

2. **KANNUR DISTRICT BUS OPERATORS ASSOCIATION, NEAR MALAYALA MANORAMA, KANNUR, REPRESENTED BY ITS SECRETARY, C.K.RAJKUMAR.**

3. **P.P. DINESAN, S/O. GOVIND, GOVIND BHAVAN, CHOVVA P.O., KANNUR-6.**

4. **SOLY SEBASTIAN, INTERIOR TRAVELS, TALIPARAMBA, KANNUR.**

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **COMMISSIONER AND SECRETARY TO GOVERNMENT TRANSPORT DEPARTMENT, THIRUVANANTHAPURAM.**

3. **REGIONAL TRANSPORT OFFICER, KANNUR.**

BY GOVERNMENT PLEADER SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 37436 OF 2007 F
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Dated this the 18th day of December, 2007

J U D G M E N T

Petitioners submit that their establishments are covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and therefore they are not liable to pay contribution in terms of the scheme under the Motor Transport Workers Welfare Fund Act. If as a matter of fact, the establishments are covered under the EPF Act, in terms of Section 4(1) of the Motor Transport Workers Welfare Fund Act, the establishment of the petitioners are entitled to be exempted from the provisions of the Welfare Fund Act. According to the petitioners, despite the legal position as above, the 3rd respondent is insisting that the petitioners should obtain a clearance certificate from the office of the Motor Transport Workers Welfare Fund Officer.

2. As already stated, if as stated by the petitioners, the establishments are covered under the EPF Act, there is no necessity for obtaining any clearance certificate.

3. Therefore, I dispose of this writ petition itself directing that it will be open to the petitioners to tender the Motor vehicles tax to the 3rd respondent or other authority competent to accept the same, without a clearance certificate. The acceptance of such payment will however be conditional that the petitioners should produce proof before the concerned authority of having discharged the entire liability under the EPF Act till the date of tendering Motor Vehicles Tax.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp